

Pre-Reference
J. 7. 30-92

File No. 49-10

Serial Nos. 1-15

after Refce: — 1910
5- Sep. No. 2931/35 **190**

GENERAL AND REVENUE SECRETARIAT.

(Prisoners)

Part A: Manuscript.
for July. 11.

Govt. of India Resolution re the procedure to be adopted in connection with the release from British jails of prisoners belonging to Native States who are released
Subject: Police Surveillance
Serial Nos. 1-5.

1) No 7778 10th Apr 1911, from the A.A. Resident —

Forwards copy of a letter from the Govt. of India, Home Secy., regarding the subject noted above

2) No 1744, 21-3-11. from the A.A. Resident.

Forwards copy of a letter from the Madras Govt. making certain suggestions

3) No 73068 of 9.5.11 To the D.G. of Police.

Calls for his opinion in the matter

4) No 7452-7158 24-6-11. from the D.G. of Police

Furnishes his opinion called for

5) No Res 78 of 19th July 1911 of the A.A. Resident —

States that there is no objection to the adoption of the procedure suggested by the Madras Govt in regard to prisoners belonging to the Mysore State and released from jails in the Madras Presidency & that the City Magistrate, Bangalore, is an officer before whom such prisoners are to be produced.

GENERAL AND REVENUE SECRETARIAT

(Prisoners)

NOTES.

File No. 48-10

FILE HEADING.

Govt. of India Resolution re the procedure to be adopted in connection with the release from British jails of prisoners belonging to Native States who are released. Subject to the same.

From

The First Asst. Resident.

No. 771

Dated 10.2.11 Received 10.2.11

Diary No. 72060.

Enclos. 2

Spare Copies -

Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Forwards for information a copy of letter No. 399/397 dated the 2nd Dec 1910 from the Dy. Secretary to the Govt. of India, Home Dept. to all local Govts. & Admins. in the above matter.

NOTES AND ORDERS.

X [The memo. received from the Res. will be sent to the Secy. for India the relevant papers on the subject.
 b.c. Time noted in para 2
 C.B. 10.7
 20/2/11

NOTES—First sheet 2.

To be sent

GPB-15,000-24-1-09

copy of Govt of India Resolution referred to in para 2 are not available. If they have been recd: please note

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No.

4 The form of release of life convicts -
from State ~~from~~ Port Blair is contained
in the Collections put up herewith...
5 The agreements signed by the convicts -
are not available here.
6 The Comd^g proceedings of the Governor General of
India dated 16-11-1881 conveying certain
instructions in regard to the release of life
convicts from Port Blair is also put up.

2/10/10
4/3/11
SNH
6/5

} No action appears to be
called for in so far as our part.
Hitherto we have been giving
effect to the directions of the Govt
of India by subjecting the
released convicts to police surveillance
and defining the limits within
which ~~he~~^{they} should reside. But whether
our action in doing so is completely
covered by legal authority is open to
some doubt - though the convict
in each case has given a bond to
the Govt of India that he shall
submit himself to the directions

3

Serial
No.

of this Govt in the matter of
his residence, movement etc.
This Consent is probably sufficient
to justify our action

It will be seen that so
far the Convicts sent to Mysore
have been released under
Sec 401 of the Cr. Pr. Code
which authorises the imposition
of Conditions. It is perhaps best
to let matters alone as they are

There is nothing in the
Prisons Act throwing
light on the matter

SB

7/3/4. SB inqammaraya

9 - yes.

But what about our
own prisoners who earn remission
are they released unconditionally
or subjected to police surveillance

(V. S. Bataburam)

Life - term prisoners of the State

Who earn remissions under the Mark
* Mark Rules and the Ticket - of - Leave
Rules are released under the
Conditions

The Mark Rules applies to all persons
alike, and whenever they are released
before the period of the term of the
sentence passes out they are

subject to certain conditions viz that they
should report themselves to the police periodically
and should make a person or persons to have them placed to be

Pro

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Conditions set forth in the Ticket - of - leave
signed (or attested by a magistrate) by the
prisoner concerned. Please see page 134
of the Jail Manual for such conditions.
A specimen of the G.O. sanctioning the
release is to be found in the Collection
put up.

15/3/11

15/3/11 (Decy)

SW-11

16.3.11

In Cont.

2 From the First Asst Resident in Mysore
No. 1744 & 21.3.11.

Forwards a copy of letter No. 258 dated
8.2.11 from the Govt of Madras indicating
the procedure to be adopted in regard to the
release of prisoners of native States - other
than "life convicts" under Police Court -
and requests that if the suggestions of the
Madras Govt meet with the approval of the
Dubai Government may be furnished as
to the officer in Mysore before whom such
prisoners should be produced.

Subd for orders. Paras 2 & 3 of the letter
from the Madras Govt fully indicate the
procedure proposed to be adopted and
it is stated in para 4 that the wishes of the

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No.

the Durbar will be ascertained in every case before sending the prisoner to the State.
3 The officer before whom such prisoners should be produced ^{is} required to be named. In regard to the "life convicts" released from the Andamans the procedure now being followed is that the prisoners are under police escort sent to this office and they are thereafter sent to the District Magistrate of Bangalore who will take charge of them pending orders of Govt.

C.B. 107

27/3/60

SN-11
27/3/60

~~Mean note the existing rules on the query raised by the Secretary in para 10 supra. [Remission rules have been framed under Sec 401 of the Cr. pr. Code and so the imposition of conditions would be regular.]~~

27/3/60 SD

~~The Secy's query at para 10 has been answered in para 11 supra.~~

C.B. 107
28/3/60

SN(11)
28/3/60

~~It is seen that our ticket of leave rules are~~

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issued under Sec 54 of the Prisons Act 1870. The Govt of India seem to have remarked that Act, and the opinion that Conditional releases could not be sanctioned is based on the wording of that Act. Please put up for comparison a copy of that Act.

28/3/14.

SB

Please see Sections 59 & 60 of the Prisons Act IX of 1894.
~~Unrepealed Acts Vol. IV p. 433-4. hereunder put up.~~
Section 54 of Act XXVI of 1870 is on p. 203. Vol. I. Mysore Code

29/3/14

WCH

My 2 think our rules are all right. Sec 54 of our Act contains a clause "empowering the Govt to frame rules for for remission of sentences." Such a provision does not find a place in the British Indian Prisons Act which was re-enacted in 1894. Then the Govt can make rules only for (1) "the award of marks and the shortening of sentences," and (2) "for rewards for good conduct." But there is no clause authorising the framing

Sec 59 & 60

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No.

of rules for remission of sentences.
Consequently the Govt of India
can not impose conditions when releasing
prisoners - before their time - in pursuance
of rules ~~for~~ issued under the Prisons
Act.

~~15~~ Prisons. our Act expressly authorizes
the remission of sentences by rules made
in that behalf, there ~~seems~~ seems to
be no objection to impose conditions
on released convicts. This is, of course,
in spite of the provisions of sec ~~401~~ 401 of the Cr. P.
Code.

4/4/41. Sd/- *ingunianaya*

La 7/1

Seems thanks -

~~16~~ So far as the present refer.
from the Res is concerned, it seems
necessary to consult the D. G. Police
whether he has any objection to
undertake the surveillance of released
convicts & the duty to report their leaving
Mysore to the nearest ~~for~~ Madras Police
stn as stated in para 4 of the Govt of
India Circular.

~~17~~ The officer before whom the

10
His File No. 49 of 19 00

Serial
No.

3. To The D. G. of Police.

No 3068 of 2.5.11.

Enquires whether there is any
objection to the Mysore Police
undertaking the surveillance
of convicts released as suggested
above stated in Sl no 1 and of
reporting their departure from
Mysore to the nearest major
Police Station.

From

The F. A. Resident.

No 3105 of 23.5.11.

Invites attention to Sl no 1
and requests an early reply
thereto.

Submitted with a draft for
approval.

CB-68
26/5/11 (11)
27/5

Issued

27/5/11

To The D. G. of Police. No. 3335 of 31.5.11

Requests a very early reply to
Sl no 3.

Pris

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48 of 19 60

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No.

4 From the I.G. Mysore

No. 7452/715 of 24th June 1944.

States that there is no objection to the Mysore police undertaking the surveillance of the convicts released from M.S. Indian Jails and to furnish the Madras police with information regarding the whereabouts of such convicts in case of their leaving the Mysore territory. Recommends that the arrangement proposed by the Madras Govt. may be adopted.

22 ~~21~~ Draft reply to Govt accepting the proposals made by the Madras Govt and stating that the officer in Mysore to whom the released convicts may be handed over is the City Magistrate Bangalore, is put up.

Vide Secy's
suggestion at
Kara. Mysore

20/6/44

20/6/44

SNH

[The case is urgent as
two reminders have
been recd from the Govt]

23

~~21~~ Draft may be affd

30/6/44

Secretary

1st C. & Dewar

18 Balasubramanian

9/7/44

29/7/44

Serial
No.

24 ~~22~~ maybe approved =

25 ~~23~~ Separate orders should
issue to the Police & the City
Magistrate regarding the
arrangement now agreed
to. The Dy says that the
disappearance of the Con-
vict on his departure was
reported to the Madras
Police Station.
Should this not be mentioned
in the draft reply?

This is in accordance
with the suggestion
of Mr. J. P. in
vide last meeting
para 4 of the
letter
etc.

W. J. Williams
Chalk
10/7/11

ST
14/7/11

12431

11.7.11

26 ~~25~~ Photograph by Dewan
L. J. Athman
11/7/11

27 ~~26~~ Issue

13 Balasubramanian
17/7/11

12

APR
25/7/11

50 To Mr. F. R. President. No. pol. 789
19.7.11. States that the Durbar have
no objection to the procedure suggested
by the Madras Govt (C. & R. Secy. Secy.)

Serial
No.

and that the officers before peruses
of the State released from Madras
jails are to be produced to the
City Magistrate of Bangalore.
To the St Magistrate Bangalore.
& The S. S. Police. No. 1342 & 247.4
and J. 343 & 247.4. Forwarded copy of the
forgoing.

~~Order is not issued as to whether~~
(1) action is necessary as suggested in
para 31 supra

(16.10.7. SN(11) -
22/7/11

D.O. No. 4459 of 27.7.11 from the first
Amt to the Resident, to the Dewan of
Mysore. Referring to H S Enquiry
if the Dewan agree to the arrangements
proposed in paragraph 3 of the letter
No. 258 of 8.2.11 from the Madras Govt.

The arrangement referred to in
para 3 of the Madras Govt letter is that
information is to be furnished to
British Indian officials (i.e. Madras
police in the case under consideration)
of the departure or the disappearance ^{from the State}
of ex-convicts of Native States related

See's Remarks

on 20.10.

" Amt to be in

at once "

Id. C.S.B. 28/7/11.

13

his

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111

Serial
No.

released from jails in the Madras Presy
The J.S. of police stated in his
letter (K4 of the file) that there would
be no objection to furnishing the Madras
police with such information. This
point was not made explicit in the
draft letter to Presy as it was believed
that by saying "the Durbar have no
objection to the procedure suggested by the
Govt of Madras &c -" The approval would
cover the points raised in paras 2 as
well as para 3 of the letter from the Govt.
of Madras.

Kind attention
to be given,
invited to
the portion
which is
in the draft.
A

Draft D.O. stating that the President's
presumption is correct is put up. Orders
Pb-107 SN(11) are also solicited whether admini
28/7/4 has to be taken as directed by
the 1st Comptroller, (vide para 31 of
the office note).

9

[Handwritten signature]
28/7/4

14

- (1). Draft may be affd
- (2) No further orders are
necessary to the City Mgr
as we have sent
Copies with all necessary
enclosures

See 1)

Issue

29/7/4

[Handwritten signature]

28/7/4

28/7/4

15

Serial
No.

~~D.O. To P.B. Warburton Esq. J.C.S.~~

~~F.A. Resident. N. pol. 118 of 31.7.11.~~

In reply to his D.O. of 27.7.11 states that the Resident's
presumption in regard to the contents of Dumbas's
letter (115 copies) is correct and that the Mysore
police will have no objection to intimate to
the nearest Madras police station the fact of
disappearance of ^{an} ~~unreleased~~ ⁴⁻ ~~business~~ of the State
released from jail in Madras under police
surveillance.

[Handwritten signature]

[Handwritten signature]
3/8/11

15

(Handwritten initials and marks)

Pris 48-10
St no 1
probo

Letter No.399/399, dated the 2nd December 1910, from
the Deputy Secretary to the Government of India, Home Depart-
ment(Jails) to All Local Governments and Administrations,

Serial

Letter Enclosure

Mysore-Resident's Office:-

No. *771*

Bangalore, dated the *10th* February 1911.

(Handwritten mark)

12-2-11

From *F B Warburton* *Es A Resident*

marginally

(Serial 1)

Pal 1323

A copy of the foregoing letter and of its enclosure is

14-2-11

forwarded herewith to the Government of His Highness the Maha-
raja of Mysore, for information.

(Handwritten signature)

First Assistant Resident.

F.N.
9.2.11.

my
11

16

2

No. 390/399

From

H. G. STOKES, Esq.,

Deputy Secretary to the Government of India,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS,
JUDICIAL DEPARTMENT.

„ SECRETARY TO THE GOVERNMENT OF BOMBAY,
JUDICIAL DEPARTMENT.

„ SECRETARY TO THE GOVERNMENT OF BENGAL,
JUDICIAL DEPARTMENT.

„ SECRETARY TO THE GOVERNMENT OF THE UNITED PROVINCES,
JUDICIAL (CRIMINAL) DEPARTMENT.

„ SECRETARY TO THE GOVERNMENT OF THE PUNJAB, -
HOME (JAILS) DEPARTMENT.

„ SECRETARY TO THE GOVERNMENT OF BURMA,
JUDICIAL DEPARTMENT.

„ SECRETARY TO THE GOVERNMENT OF EASTERN BENGAL AND
ASSAM,
GENERAL (JAILS) DEPARTMENT.

„ HONOURABLE THE CHIEF COMMISSIONER OF THE
CENTRAL PROVINCES.

„ CHIEF COMMISSIONER OF COORG.

„ HONOURABLE THE AGENT TO THE GOVERNOR GENERAL
AND CHIEF COMMISSIONER, NORTH-WEST FRONTIER
PROVINCE.

Home Department.
(Jails.)

17

Calcutta, the 2nd December
November 1910.

SIR,

I am directed to refer to the correspondence ending with

{ Madras, no. 1069, dated 11th June 1907.
Bombay, no. 5204, dated 24th September 1907.
Bengal, no. 1152-J. D., dated 8th June 1907.
† United Provinces, Home Department endorsement
no. 88, dated 30th April 1907.
Punjab, no. 275-S., dated 31st May 1907.
} Burma, no. 56-16-J.-53, dated 3rd September 1907.
Eastern Bengal and Assam, no. 3025-J., dated 16th
July 1907.
Central Provinces, no. 1339-V.-31-10, dated 14th
August 1907.
Coorg, no. 939, dated 3rd June 1907.
North-West Frontier Province, no. 1213-G., dated
15th May 1907.

your letter
† the Home Department endorsement NO.*
dated , regarding
the procedure to be followed in
connection with the release from
British jails of prisoners belonging
to Native States who are released
subject to police surveillance.

5

FORM OF CONDITIONAL RELEASE.

In exercise of the power conferred by section 401 of the Code of Criminal Procedure, 1898, the _____ is pleased hereby to remit, subject to the conditions hereafter set forth, the remainder of the punishment awarded to _____, son of _____, and a convict in the Jail _____, at present undergoing a sentence of _____.

The conditions are these :—

1. That the said _____ will proceed under police escort, if required, to _____ on the border of the _____ State, or to the court of the Political Officer of the _____ State and will not re-enter British Indian territory without the written permission of _____.

By order of the _____

Dated the 19 _____

Secretary to the _____

I HEREBY accept and agree to abide by the above conditions; and I acknowledge that, should I fail to fulfil those conditions, or any portion of them, the _____ may cancel the remission of my punishment, whereupon I may be arrested by any Police officer without warrant and remanded to undergo the unexpired portion of my original sentence.

Prisoner.

Dated the _____ 19 _____

CERTIFIED that the foregoing conditions were read over to the Prisoner _____

and accepted by him under section 401 of the Code of Criminal Procedure in my presence.

Witness—

Superintendent.

Dated the _____ 19 _____

2. The rules regulating the earning of remission of sentence by prisoners, which were published with the Home Department Resolution no. ^{12-Jails}₅₀₀₋₁₀, dated the 31st August 1896, contained a provision that the period of remission earned by certain classes of prisoners should be passed under such police surveillance as the local Government may prescribe. This provision was omitted from the revised rules published with the Home Department Resolution nos. 161-172, dated the 25th June 1908, but to these rules a footnote containing instructions in the same sense was appended. It is understood that rules have been prescribed by some local Governments containing instructions as to the manner in which surveillance shall in such cases be carried out by the police and imposing conditions to which the released convict is to be subjected. I am now to state for the information of ^{the Governor in Council}_{His Honour the Lieutenant-Governor} that the Government of India are ^{your information} advised that the Prisons Act, 1894 (IX of 1894), in virtue of which the Remission Rules above alluded to were framed does not authorise the imposition, by means of rules framed under it, of conditions subject to which the period of sentence remitted shall be passed, and to request that any rules or instructions with this object which may have been issued by ^{the Government of}_{Madras}^{Bombay, etc.} may be revised accordingly.

3. The only sanction which can legalise the imposition of such conditions is an order passed by the local Government under section 401 of the Code of Criminal Procedure. In this connection I am to invite attention to the Home Department Resolution nos. 234-45, dated the 12th July 1910, by which rule 20 (and the note appended to it) of the Remission Rules was modified. The effect of rule 20 of the Remission Rules as now revised will be that the cases of all "life-convicts" as defined in the Rules will be submitted to the local Government when the termination of the prisoner's sentence, as reduced by the grant of remission, approaches for orders under section 401, Criminal Procedure Code, as to whether, and, if so, what, conditions shall be imposed to be observed during the period of remission granted. If conditions are imposed, they will be enforceable by virtue of the provisions of section 401, Criminal Procedure Code. In so far as concerns "life-convicts" belonging to Native States who are released conditionally under section 401 of the Code of Criminal Procedure, all that appears to the Government of India to be required in order to secure that they shall return to and remain in their native place during the period of remission earned is that conditions shall be imposed similar to those adopted in the case of convicts conditionally released from the Andamans. I am to enclose a form in which the necessary alterations have been made and to suggest that, if ^{the Governor in Council}_{the Lieutenant-Governor} see(s) no objection, it may be adopted, with such further ^{you} changes as may be desirable.

4. In the case of convicts not being "life-convicts" as defined in rule 2(f) of the Remission Rules, whose cases are not ordinarily to be referred to the local Government before release, it will not be possible, in the absence of an order under section 401, Criminal Procedure Code, to subject them to police surveillance, of a kind which requires the observance on their part of conditions, whether voluntary or involuntary. In such cases, however, it may be possible to ensure that the men actually proceed to the Native States to which they belong by arranging to send them under escort to be released by the Political Officer or other suitable authority therein, their arrival being so timed as to coincide with, or not be later than, the due date of release. I am to express a hope that some arrangement of this sort will be made whenever practicable. It is further desirable that convicts thus released in Native States should be kept in view by the police, and, with this object, the Government of India, though they do not wish to press Native States to adopt a uniform system of surveillance, are disposed to suggest that in all cases in which a convict belonging to a Native State is sent back to it with a view to release in the manner described, local Governments should request the Political Officer to move the authorities of the State to give the earliest possible intimation (i) when the Native State does

not march with British India, to the Political Officer, and (ii) when the Native State does march with British India, to the nearest police station in British India or to the Superintendent of Police of the nearest British Indian district, of the fact that the prisoner has been lost sight of in that State or has actually left it for some known destination. This will enable the police in British India to make inquiries as to his whereabouts and to keep watch over his movements, if necessary.

5. It has been suggested by the Agent to the Governor General in Central India that preliminary inquiry should in every case be made with a view to ascertaining whether the Darbar has any objection to the released prisoner residing within the State. The Government of India accept this suggestion, and desire that in all cases, when it is intended to transfer a Native State prisoner, on release, whether with or without conditions, to the State to which he belongs, the wishes of the Darbar concerned should be consulted through the Political Officer for the State in sufficient time to enable the matter to be settled before the date on which the prisoner's release falls due. Should the Native State, under the powers which Darbars possess of expelling any person from their territories, decline to permit the convict to return to the State, it would of course be necessary in the case of persons released conditionally under section 401, Criminal Procedure Code, to modify the condition suggested above, and in the case of unconditionally released prisoners, to dispense with the Darbar's co-operation in keeping him under surveillance.

this is being done now-

I have the honour to be,

SIR,

Your most obedient servant,

H. G. STOKES,

Deputy Secretary to the Government of India.

No. 440

Copy forwarded to the Foreign Department with reference to the correspondence ending with its endorsement no. 4152-I.C., dated the 26th October 1907.

By order,

H. G. STOKES,

Deputy Secretary to the Government of India.

19

III
22/3
FROM
P. B. WARBURTON, Esq., I. C. S.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

Letter No. 1744
Rel. 672
22-3-11
22388

A copy of the letter to the Resident from the Madras Govt is sent to the Dewan

To
The Dewan of Mysore.

Mis 4970-2

Dated Bangalore 21st March 1911.

Sir,

Serial. 2

In continuation of my endorsement No. 771, dated the 10th February 1911, regarding the procedure to be adopted in the case of prisoners belonging to Native States who are released from jails in British India, subject to police surveillance, I am directed to forward herewith, for the information of the Durbar, a copy of a letter No. 258, dated the 8th February 1911, from the Government of Madras in the Judicial Department, on the subject, and to state that the Resident will be glad if the Durbar will kindly co-operate with the Madras authorities in carrying out the procedure proposed.

21

2. If the suggestions of the Madras Government meet with the approval of the Durbar, I am to request that information may be furnished as to the officer in Mysore before whom prisoners despatched from Madras should be produced for their release.

I have the honour to be,
Sir,
Your most obedient servant,

M. B. Warburton

First Assistant Resident.

K.M.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

No. 258.

From

THE HON'BLE MR. A. G. CARDEW, c.s.i.,
Ag. Chief Secretary to the Government of Madras,
Judicial Department,

To

THE HONOURABLE THE RESIDENT ^{IN MYSORE}
~~AT HYDERABAD~~

Dated Fort St. George. the 8th February 1911.

SIR,

I am directed to address you with reference to the procedure which it is proposed to adopt in the case of prisoners belonging to the ^{Mysore}~~Hyderabad~~ State who are released from jails in this Presidency subject to police surveillance.

2. In their letter No. 390, dated the 2nd December 1910 (copy enclosed), the Government of India have proposed the adoption, in the case of "life-convicts" belonging to Native States, of a form of conditional release which provides for their being despatched under police escort to the States to which they belong. I am to say that His Excellency in Council has decided to adopt this form and further that in the case of convicts other than "life-convicts," on whom conditions cannot be imposed, the Madras Government desire to adopt the arrangement proposed by the Government of India whereby such convicts will be despatched to the States to which they belong for release by the Political Officer or other suitable authority. I am directed to enquire before which officer in ^{Mysore}~~Hyderabad~~ prisoners so despatched should be produced for their release.

3. The Government of India have, in paragraph 4 of their letter, further desired that arrangements should be made with the Darbars concerned to ensure that information is furnished to British Indian officials of the departure or disappearance of ex-convicts so released from British jails from the State in which they may be residing after release. I am to request you to be so good as to invite the co-operation of the ^{Mysore}~~Hyderabad~~ Darbar in this matter.

4. I am to add that instructions have been issued to the Inspector-General of Prisons, Madras, on the lines indicated in paragraph 5 of the Government of India letter and to say that the wishes of the ^{Mysore}~~Hyderabad~~ Darbar will be ascertained in all cases before taking action in regard to the transfer of a convict to that State under the arrangements proposed.

I have the honour to be.

Sir,

Your most obedient servant,

A. G. CARDEW,
Ag. Chief Secretary.

[Annexure,

22

27/1/11

ANNEXURE.

Letter—from H. G. STOKES, Esq., Deputy Secretary to the Government of India,
Home department (Jails).
To—the Chief Secretary to the Government of Madras.
Dated—Calcutta, the 2nd December 1910.
No.—390.

I am directed to refer to the correspondence ending with your letter No. 1069, dated 11th June 1907, regarding the procedure to be followed in connection with the release from British jails of prisoners belonging to Native States who are released subject to police surveillance.

2. The rules regulating the earning of remission of sentence by prisoners, which were published with the Home department resolution No. ^{12-Jails} 500-10, dated the 31st August 1896, contained a provision that the period of remission earned by certain classes of prisoners should be passed under such police surveillance as the local Government may prescribe. This provision was omitted from the revised rules published with the Home department resolution Nos. 161—172, dated the 25th June 1908, but to these rules a footnote containing instructions in the same sense was appended. It is understood that rules have been prescribed by some local Governments containing instructions as to the manner in which surveillance shall in such cases be carried out by the police and imposing conditions to which the released convict is to be subjected. I am now to state for the information of the Governor in Council that the Government of India are advised that the Prisons Act, 1894 (IX of 1894), in virtue of which the Remission Rules above alluded to were framed, does not authorise the imposition, by means of rules framed under it, of conditions subject to which the period of sentence remitted shall be passed, and to request that any rules or instructions with this object which may have been issued by the Government of Madras may be revised accordingly.

3. The only sanction which can legalise the imposition of such conditions is an order passed by the local Government under section 401 of the Code of Criminal Procedure. In this connection I am to invite attention to the Home department resolution Nos. 234—45, dated the 12th July 1910, by which rule 20 (and the note appended to it) of the Remission Rules was modified. The effect of rule 20 of the Remission Rules as now revised will be that the cases of all "life-convicts" as defined in the rules will be submitted to the local Government when the termination of the prisoner's sentence, as reduced by the grant of remission, approaches for orders under section 401, Criminal Procedure Code, as to whether, and, if so, what, conditions shall be imposed to be observed during the period of remission granted. If conditions are imposed, they will be enforceable by virtue of the provisions of section 401, Criminal Procedure Code. In so far as concerns "life-convicts" belonging to Native States who are released conditionally under section 401 of the Code of Criminal Procedure, all that appears to the Government of India to be required in order to secure that they shall return to and remain in their native place during the period of remission earned is that conditions shall be imposed similar to those adopted in the case of convicts conditionally released from the Andamans. I am to enclose a form in which the necessary alterations have been made and to suggest that, if the Governor in Council sees no objection, it may be adopted with such further changes as may be desirable.

4. In the case of convicts not being "life-convicts" as defined in rule 2 (f) of the Remission Rules, whose cases are not ordinarily to be referred to the local Government before release, it will not be possible, in the absence of an order under section 401, Criminal Procedure Code, to subject them to police surveillance, of a kind which requires the observance on their part of conditions, whether voluntary or involuntary. In such cases, however, it may be possible to ensure that the men actually proceed to the Native States to which they belong by arranging to send them under escort to be released by the Political Officer or other suitable authority therein, their arrival being so timed as to coincide with or not be later than, the

file 9 taken by comp. Mr. Jeyarajappa
30-4-1912
Returned
4/30-4-1912
28/

paper

23

11/12/12

due date of release. I am to express a hope that some arrangement of this sort will be made whenever practicable. It is further desirable that convicts thus released in Native States should be kept in view by the police, and, with this object, the Government of India, though they do not wish to press Native States to adopt a uniform system of surveillance, are disposed to suggest that in all cases in which a convict belonging to a Native State is sent back to it with a view to release in the manner described, local Governments should request the Political Officer to move the authorities of the State to give the earliest possible intimation (i) when the Native State does not march with British India, to the Political Officer, and (ii) when the Native State does march with British India, to the nearest police station in British India or to the Superintendent of Police of the nearest British Indian district, of the fact that the prisoner has been lost sight of in that State or has actually left it for some known destination. This will enable the police in British India to make inquiries as to his whereabouts and to keep watch over his movements, if necessary.

5. It has been suggested by the Agent to the Governor-General in Central India that preliminary inquiry should in every case be made with a view to ascertaining whether the Darbar has any objection to the released prisoner residing within the State. The Government of India accept this suggestion, and desire that in all cases, when it is intended to transfer a Native State prisoner, on release, whether with or without conditions, to the State to which he belongs, the wishes of the Darbar concerned should be consulted through the Political Officer for the State in sufficient time to enable the matter to be settled before the date on which the prisoner's release falls due. Should the Native State, under the powers which Darbars possess of expelling any person from their territories, decline to permit the convict to return to the State, it would of course be necessary in the case of persons released conditionally under section 401, Criminal Procedure Code, to modify the condition suggested above, and in the case of unconditionally released prisoners, to dispense with the Darbar's co-operation in keeping him under surveillance.

24

ENCLOSURE.

Form of Conditional Release.

In exercise of the power conferred by section 401 of the Code of Criminal Procedure, 1898, the _____ is pleased hereby to remit, subject to the conditions hereafter set forth, the remainder of the punishment awarded to _____, son of _____, and a convict in the Jail _____, at present undergoing a sentence of _____.

The conditions are these :—

1. That the said _____ will proceed under police-escort, if required, to _____ on the border of the _____ State, or to the court of the Political Officer of the _____ State and will not re-enter British Indian territory without the written permission of _____.

By order of the _____

Dated the _____ 19

Secretary to the _____

I HEREBY accept and agree to abide by the above conditions; and I acknowledge that, should I fail to fulfil those conditions, or any portion of them, the _____ may cancel the remission of my punishment, whereupon I may be arrested by any Police officer without warrant and remanded to undergo the unexpired portion of my original sentence.

Prisoner.

Dated the _____ 19

CERTIFIED that the foregoing conditions were read over to the Prisoner— _____

and accepted by him under section 401 of the Code of Criminal Procedure in my presence.

Witness—

Dated the _____ 19

Superintendent.

25

11/5

CHH
2012

Letter

No. 93068 Encl 1

From the ~~Secy~~ C.S. Balasubramaniam
Dy. Secy. B. A. Secy to Govt
Wd. Genl Secy to H. S. Devaraj
The Inspector-General
Police in Mysore.

Police)
the 19

Date of issue 9-5-11

Signed by Mr A. H. Higamaya

Air _____ Serial 3

I am directed to forward
herewith a copy of letter
No. 258 of 8.2.11 from the
Govt. of Madras to the Hon'ble
the Resident in Mysore
regarding the procedure
to be adopted in the case
of prisoners belonging to
the Mysore State released

over.

SUBJECT.

^{VV}
 released from jails in the
 Madras Presidency; and
 expressing inviting your attention
 to para 4 of the Govt of India
 Resolution annexed to the
 Madras Govt letter above
 referred to, I am to
 request you to be so good
 as to report for the information
 of Govt if there is any
 objection to the Mysore police
 undertaking the surveillance
 of ~~released~~ ^{thus released} convicts, and
 the duty to ^{of} reporting their
^{departure from} leaving Mysore to the
 nearest Madras police
 Station.

2. An early reply is
 requested.

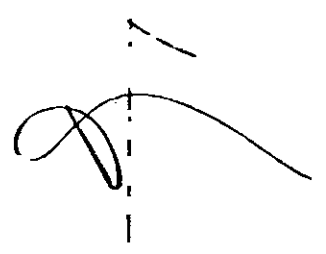
I have &c

Sd/
 J. M. S. L.

Cb. 107 Sd/ (12)
 2574/14 20/4/14

List of enclosures,

1/1/11
 5/5/11



Copied by
 Examined by Sd/

10/10/18 2/5/11

Letter
No. 7452
715

Pris 49-10-3-413
OFFICE OF THE
INSPECTOR GENERAL OF POLICE IN MYSORE.

Dated Bangalore,

26 June 1911

From D. Devaraj Urs Esquire,
Inspector-General of Police in Mysore.

To C.S. Balasundaram Iyer Esquire, B.A.,
Offg. Secretary to the Government of H. H. the Maharaja of Mysore,
General and Revenue Departments.

Sir

82-4

With reference to your letter No.
3068/Pris.49-10-3 dated 9-5-1911 calling for
a report with reference to the procedure,
which it is proposed by the Madras Government,
to adopt in the case of Prisoners belonging
to the State and released from Jails in their
Presidency, I have the honor to state that
there is no objection to the Mysore Police
undertaking the surveillance of such convicts
and furnishing information to the nearest
Madras Police station of their departure or
disappearance from their residences and there-
fore the arrangement proposed by the Madras
Government may be adopted.

I have the honor to be,

27
sir,

Your most obedient servant,

M. Lakshmanaswamy

M.S.

For Inspr-General of Police.

11/11/11
26/11/11
Secy
J 31/88

From
The Inspector-General of
Police in Mysore.
To
The Secretary to the Govt. of
H. H. the Maharaja of Mysore,
Gen. & Rev. Depts.

Dated
Despatched 24th June 1911
Received
General No. 2652
No. 715
Enclosure No.

Accepting the proposals of the
Madras Government in re. the
Surveillance of Prisoners belong-
ing to the Mysore Province release
from the British jails.

3/8/22
181

26

G.R.S. 26]

Note sent by
Sachin again
to Mr. J. S. Chatterjee

17
File No. 49-10
Serial No. 5-1

Diary No. of letter replied to

General and Revenue, Secretariat

()
, the 19 .

Date of issue 19-7-1911

Signed by

W. S. Balasubramanian


Letter

Pls
No. 788 19 July 1911
from C. S. Balasubramanian Esq
To Secy to Govt Genl Res
Depos to P. B. Warburton Esq
The First Act to the
Honble the Resident
in Mysore, Bangalore

Serial 5

Referring to your letter
no. 1744 dated the 21st
March 1911 regarding the
procedure to be adopted
in the case of prisoners
of Mysore Native States who
are released from British
Indian jails, subject to
over.

SUBJECT.

28.

to police surveillance,
 I am directed to state
 that the Durbar have no
 objection to ^{the} adoption of
 procedure suggested by
 the Govt. of Madras ^{in regard to} ~~and to~~
 cooperate with the Madras
 authorities in carrying out
 the procedure.

belonging to the State and
 prisoners of Mysore
 who are released
 from jails in Madras Pres?

2. The Officer before whom
 prisoners despatched from Madras
 should be produced
 for release is the City
 Magistrate of Bangalore.

I have to
 offg Secy to Govt.

15 July 1911

List of enclosures,

10/2/11
 8/7/11

Index 8342 Encl 1 8/24-7-11

Copy is forwarded to the City Magistrate
 Bangalore for information (with
 a copy of the letter from the Madras Govt.).

Copied by
 Examined by

8343 8/24-7-11 Encl 1
 Copy to the P.S. of police for
 information

D. O. No. 72869

THE MYSORE RESIDENCY,

Bangalore, 27th July 1911.

16
191

No: 4459

Dewan's order
20/07/11

Dewan Sahib

Advance

29/7/11

Will you kindly refer to Mr. Balasundaram Iyer's letter Pol. No. 78, dated the 19th July 1911, regarding the procedure to be adopted in the case of prisoners of Native States who are released from British Indian Jails, subject to ^{police} surveillance?

Colonel Daly presumes that the Durbar are - - agreeable to the arrangements proposed in paragraph 3 of the Madras Government's letter No. 258, dated the 8th February 1911. I am to enquire whether the presumption is correct

Yours sincerely
P. B. Warburton

C. Ananda Rao Esqr., C.I.E.,

Dewan of Mysore

29

me

30/7

Pris 49-10-17

GENERAL AND REVENUE
SECRETARIAT. *B*

Recd. No. 119 dt 31-7-1941

(Continuation Sheet draft form.)

Dear Sir,

~~Adverting~~ I am desired to ac
~~Referring~~ to your D.O.
 Knowledge the receipt of your D.O.
 No. 44528 27.7.11. to the Dewas
 regarding

Yours Sincerely

CRF

SV 775 Long Look
Eng. 2C sent + Geo. Exp.

P-B: Wartbur Esz. 22. 1

Ph. 107
28/7/4

GPB-10.000-22-2-11

Copy to 3/17/11 CE [Signature] SN (11)